

BEFORE THE INVESTIGATIVE PANEL OF THE  
FLORIDA JUDICIAL QUALIFICATIONS COMMISSION  
STATE OF FLORIDA

INQUIRY CONCERNING A JUDGE NO. 02-466  
RE: JUDGE JOHN RENKE III

**NOTICE OF SECOND AMENDED FORMAL CHARGES**

TO: Honorable John Renke III  
c/o Scott K. Tozian, Esquire  
Smith & Tozian, P.A.  
109 North Brush Street, Suite 200  
Tampa, Florida 33602-4163

You are hereby notified that the Investigative Panel of the Florida Judicial Qualifications Commission, by a vote of the majority of its members determined pursuant to Rule 6(f) of the Rules of the Florida Judicial Qualifications Commission, as revised, and Article V, § 12(b) of the Constitution of the State of Florida, that probable cause exists for formal proceedings to be, and the same are hereby instituted against you to inquire into charges based upon allegations that during your 2002 election campaign for the judgeship you now occupy (the campaign), you engaged in improper conduct in that to wit:

1. During the campaign, in violation of Canon 7A(3)(a) and Canon 7A(3)(d)(iii) you knowingly and purposefully misrepresented in a campaign brochure, attached hereto as Exhibit A, that you were an incumbent judge by describing yourself as “John Renke, a Judge With Our Values” when in fact you were not at that time a sitting or incumbent judge.

2. During the campaign, in violation of Canon 7A(3)(a) and Canon 7A(3)(d)(iii), you knowingly and purposefully misrepresented in the same brochure (attached hereto as Exhibit A) your holding of an office in the Southwest Florida Water Management District by running a picture of you with a nameplate that says “John K. Renke, III Chair” beneath a Southwest Florida Water Management District banner, when you were not in fact the Chairman of the Southwest Florida Water Management District.

3. During the campaign, in violation of Canon 7A(3)(a) and Canon 7A(3)(d)(iii), you knowingly and purposefully misrepresented in the same brochure (attached hereto as Exhibit A) your endorsement by the Clearwater firefighters by asserting that you were “supported by our areas bravest: John with Kevin Bowler and the Clearwater firefighters” when you did not then have an endorsement from any group of or any group representing the Clearwater firefighters.

4. During the campaign, in violation of Canon 7A(3)(a) and Canon 7A(3)(d)(iii), you knowingly and purposefully misrepresented in the same brochure (attached hereto as Exhibit A) your judicial experience when you described yourself as having “real judicial experience as a hearing officer in hearing appeals from administrative law judges,” when your actual participation was limited to one instance where you acted as a hearing officer and to other instances where you were sitting as a board member of an administrative agency.

5. During the campaign, in violation of Canon 7A(3)(a) and Canon 7A(3)(d)(iii), you knowingly and purposefully misrepresented your endorsement by Pinellas County public officials in a campaign flyer attached hereto as Exhibit B, when you listed a number of persons, including Paul Bedinghaus, Gail Hebert, John Milford, George

Jirotko and Nancy Riley as such, when they in fact were not Pinellas County public officials but instead officials of a private, partisan political organization to wit, the Pinellas County Republican Party.

6. During the campaign in violation of Canon 7A(3)(a) and Canon 7A(3)(d)(iii), you knowingly and purposefully misrepresented your experience as a practicing lawyer and thus your qualifications to be a circuit court judge. In the Candidate Reply you authored which was published by and in the St. Petersburg Times, which is attached hereto as Exhibit C, you represented that you had “almost eight years of experience handling complex civil trials in many areas.” This was knowingly false and misleading because in fact you had little or no actual trial or courtroom experience.

7. During the campaign in violation of Canon 7A(3)(a) and Canon 7(A)(3)(d)(iii), you knowingly and purposefully misrepresented your experience as a practicing lawyer and thus your qualifications to be a circuit court judge, as well as your opponent’s experience, by asserting in a piece of campaign literature, which is attached hereto as Exhibit D, that your opponent lacked “the kind of broad experience that best prepares someone to serve as a Circuit Court Judge” and represented to the voting public that the voters would be “better served by an attorney [like you] who has many years of broad civil trial experience.” This was knowingly false because your opponent had far more experience as a lawyer and in the courtroom and in fact you had little or no actual trial or courtroom experience.

8. During the campaign in violation of Canon 1, Canon 2A and Canon 7A(3)(a) and §§ 106.08(1)(a), 106.08(5) and 106.19(a) and (b), Florida Statutes, your campaign knowingly and purposefully accepted a series of “loans” totaling \$95,800

purportedly made by you to the campaign which were reported as such, but in fact these monies, in whole or in substantial part, were not your own legitimately earned funds but were in truth contributions to your campaign from John Renke, II (or his law firm) far in excess of the \$500 per person limitation on such contributions imposed by controlling law.

9. During the campaign, in violation of Canon 7A(3)(a) and Canon 7A(3)(d)(iii), you made a deliberate effort to misrepresent your qualifications for office and those of your opponent as detailed in Charges 1 through 7, *supra*, which cumulative misconduct constitutes a pattern and practice unbecoming a candidate for and lacking the dignity appropriate to judicial office, which had the effect of bringing the judiciary into disrepute.

These acts, if they occurred as alleged, would also impair the confidence of the citizens of this state in the integrity of the judicial system and in you as a judge, would constitute a violation of the cited Florida Statutes and Canons of the Code of Judicial Conduct, would constitute conduct unbecoming a member of the judiciary, would demonstrate your unfitness to hold the office of judge, and would warrant discipline, including but not limited to your removal from office and/or any other appropriate discipline recommended by the Florida Judicial Qualifications Commission.

**[signatures appear on next page]**

Respectfully submitted,

---

MARVIN E. BARKIN  
Florida Bar No. 3564  
MICHAEL K. GREEN  
Florida Bar No. 763047  
TRENAM, KEMKER, SCHARF, BARKIN  
FRYE, O'NEILL & MULLIS, P.A.  
2700 Bank of America Plaza  
101 East Kennedy Boulevard  
Post Office Box 1102  
Tampa, Florida 33601-1102  
(813) 223-7474 (Telephone)  
(813) 229-6553 (Fax)  
Special Counsel for  
Florida Judicial Qualifications Commission

and

Thomas C. MacDonald, Jr.  
Florida Bar No. 049318  
General Counsel  
Florida Judicial Qualifications Commission  
1904 Holly Lane  
Tampa, FL 33629  
(813) 254-9871 (Telephone)

**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY a true and correct copy of Second Amended Notice of Formal Charges has been furnished by U.S. Mail to **Scott K. Tozian, Esquire**, Smith & Tozian, P.A., 109 North Brush Street, Suite 200, Tampa, Florida 33602-4163 this 15th day of August, 2005.

---

Attorney